

**Montana Pollutant Discharge Elimination System (MPDES)
General Permit Fact Sheet**

Storm Water Discharges Associated with Mining and with Oil and Gas Activities

PERMITTEES: Various

MPDES Permit Number: MTR300000

I. Status of Permit

Montana Pollutant Discharge Elimination System (MPDES) permit number MTR300000 is an ongoing *General Permit for Storm Water Discharges Associated with Mining and with Oil and Gas Activities* (General Permit) which is required by Administrative Rules of Montana (ARM) 17.30.1341(6) to have a fixed term not to exceed five years. Consequently, MTR300000 was originally issued on May 18, 1992, reissued on September 1, 1997, and then reissued as the existing outgoing General Permit which was effective on November 17, 2002 and will expire on November 16, 2007. It is due to be reissued for another five-year General Permit cycle.

In accordance with ARM 17.30.1341(4), the Department will issue an authorization or notify the applicant that the source does not qualify for authorization under the General Permit within 30 days of receipt of a completed application. With respect to the Montana Environmental Policy Act (MEPA), the Department will complete a checklist Environmental Assessment for all new authorizations under the General Permit. The General Permit will have it's own separate Programmatic Environmental Assessment developed. The Department will provide an opportunity for public comment on the draft General Permit and draft Programmatic Environmental Assessment in accordance with ARM 17.30.1373.

There are currently 39 active permit authorizations under General Permit MTR300000.

II. Description of Discharge and Discharging Facilities

This General Permit is applicable to the discharge of storm water associated with mining and with oil and gas activities within the State of Montana, excluding Indian Reservations. "Storm water" is defined in ARM 17.30.1102(27). "Storm water discharge associated with mining and oil and gas activity" is defined in ARM 17.30.1102(30). In federal rule, the definition of "storm water discharge associated with industrial activity" includes mining and oil and gas activities. In Montana, ARM 17.30.1102(30) provides a separate definition from that for "storm water discharge associated with industrial activity" which is stated in ARM 17.30.1102(29). However, ARM 17.30.1102(30) refers back to ARM 17.30.1102(29) for some similar requirements which are common to both definitions. The mining/oil and gas component was broken out into a separate definition from other industrial activities, and two different MPDES General Permits were developed, one for industrial activity and this General Permit. It allows this General Permit to focus on more customized requirements related to the

mining and oil and gas industry. In this Fact Sheet, the term "industry" or "industrial" is occasionally used interchangeably with "mining and oil and gas".

ARM 17.30.1102(30) is similar to ARM 17.30.1102(29) except it pertains to mining and oil and gas activities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts, or waste products located on the site of such operations. In general, such facilities include active and inactive mining operations, with a few exceptions as stated in ARM 17.30.1102(30). "Inactive mining operations" are also defined in ARM 17.30.1102(30).

Based on the ARM 17.30.1102(30) reference to requirements found in ARM 17.30.1102(29), for regulated mining and oil and gas activities under the formal rule definition, the term also includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined in ARM 17.30.1102(20)); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

The preceding two paragraphs summarize what storm water discharge areas are subject to (eligible) for permit coverage under this General Permit. However, many specific types of active mining facilities or sites have similar identified areas which are subject to federal Effluent Limitation Guidelines (ELGs) with respect to storm water discharges. ELG requirements supercede the preceding two paragraphs when applicable and will be discussed more below.

Discharges subject to federal ELGs as adopted by the Montana Board of Environmental Review in ARM Title 17, Chapter 30, Subchapter 12 would have to be covered under a separate Individual MPDES permit. ELGs for active mining activities include those for coal mining [40 CFR Part 434], mineral mining and processing [40 CFR Part 436], and ore mining and dressing [40 CFR Part 440].

The applicant must refer to pertinent regulations and determine what storm water discharges are eligible for permit coverage under the General Permit, and what storm water discharges are subject to ELGs and would be permitted under a separate Individual MPDES permit. In general, for mining activities subject to ELGs, ineligible storm water discharges under the General Permit would include any storm water which comes into contact with the active mine area, including land application sites, ore, waste rock, haul roads, tailings storage, or any areas that store or handle mill process wastes. These areas are often similar to those areas specified above. In Attachment A of this General Permit, the Department has included a table which exemplifies the applicability of 40 CFR Part 440 ELGs to discharges from active ore (metal) mining and dressing sites.

The applicant will need to evaluate their mining facility or site with respect to the applicability of the General Permit and its various requirements. This includes clearly identifying eligible storm water discharges and associated information in the Storm Water Pollution Prevention Plan.

Based on the aforementioned areas at mining and oil and gas activity sites, characteristic storm water effluent discharge may contain pollutants which pose a threat to receiving surface waters. In general, studies performed over the past twenty-five years and historical monitoring data have indicated industrial activity storm water runoff may carry higher than normal annual loadings of total suspended solids (TSS), chemical oxygen demand (COD), metals, oil & grease, nutrients, and other organic chemicals/compounds. Pollutant concentrations may vary considerably with respect to industrial activity type, storm events, and location. For mining activity sites, TSS is of most concern, as well as metals.

Pursuant to 75-5-605(2) Montana Code Annotated (MCA) of the Montana Water Quality Act (MWQA), the discharge of wastes to state waters without a current permit authorization from the Department is prohibited. Sediment and other materials are defined as "other wastes" in 75-5-103(19) MCA. "Pollutants" are defined in ARM 17.30.1102(19). "Discharge of a pollutant", as defined in ARM 17.30.1102(2), results when pollutants come into contact with storm water discharges from the industrial activity site. "Point source" is defined under ARM 17.30.1102(18). ARM 17.30.1105 requires point source discharges of storm water associated with mining and oil and gas activity to obtain MPDES permit coverage.

Pursuant to ARM 17.30.1116, discharges composed entirely of storm water are not regulated as discharges associated with mining and oil and gas activity if there is no exposure of industrial materials and activities to rain, snow, snowmelt, and/or runoff, and the discharger satisfies the conditions of this Industrial No-Exposure Certification rule. Consequently, permit authorization for storm water discharges normally regulated under the General Permit would not be necessary and owners/operators would submit a complete "Industrial No Exposure Certification Form" to the Department instead. The Department has developed a standard form for this which must be used.

III. Coverage

Pursuant to 75-5-402, MCA and requirements found in ARM, Title 17, Chapter 30, Subchapter 11, the Department regulates storm water discharges associated with mining and oil and gas activities. ARM 17.30.1105(1)(c) requires MPDES permit coverage for mining and oil and gas facilities and/or activities identified in ARM 17.30.1102(30). Additionally, point source discharges could require MPDES permit coverage under ARM 17.30.1105(e) and/or (f) if the Department determines that storm water controls are needed based on wasteload allocations that are part of Total Maximum Daily Loads (TMDLs) that address the pollutants of concern, or if the Department determines the discharge is contributing to a violation of a water quality standard or is a significant contributor of pollutants to surface waters.

The following conditions must be met to qualify for written authorization to discharge storm water under the General Permit:

- A. “Storm water discharge associated with industrial activity” is defined by 40 Code of Federal Regulations (CFR), Part 122.26(b)(14). The State of Montana has adopted the types of industrial activities stated in 40 CFR through ARM 17.30.1102(29) and ARM 17.30.1102(30) in consideration of our delegated responsibilities through EPA. This definition typically includes specified industrial activities based on the primary Standard Industrial Classification (SIC) Code as listed in the federal “1987 Standard Industrial Classification Manual” (or the type of industrial activity in the absence of an identified SIC Code).

More specifically, this General Permit pertains to the following:

1. Discharges of storm water from mining and milling activities (including active, inactive, or abandoned mine and mill sites) with SIC Code Major Groups 10, 12, and 14. This General Permit does not cover those activities or discharges that are subject to Effluent Limitations Guidelines (ELGs) for mining activities. ELGs exist for coal mining [40 CFR Part 434], mineral mining and processing [40 CFR Part 436], and ore mining and dressing [40 CFR Part 440].
 2. Storm water discharges from oil and gas activities with SIC Code Major Group 13, to include: oil and gas exploration, production, processing, treatment operation, or transmission facilities. This General Permit does not cover oil refineries. As stated in ARM 17.30.1106(b), an MPDES permit authorization is not required for existing or new discharges composed entirely of storm water from oil or gas exploration, production, processing, or treatment operations, or transmission facilities, unless the operation or facility:
 - a. has had, at any time since November 16, 1987, a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 (Discharge of Oil), 40 CFR 117.21 (Notice of Discharge of a Reportable Quantity), or 40 CFR 302.6 (Notification Requirements, Hazardous Substances);
 - b. contributes to a violation of a water quality standard; or,
 - c. has a "storm water discharge associated with construction activity", as defined in ARM 17.30.1102(28).
- B. A discharge of storm water occurs from a facility or activity to state surface waters or a drainage system which carries storm water to state surface waters.

- C. The storm water discharge consists of runoff only from precipitation events, either rainfall or snowmelt, and is not mixed with process wastewater.

IV. Exclusions

- A. The Department may deny an application for discharge under General Permit MTR300000 under the provisions of ARM 17.30.1341(4)(a), that includes the following:
 - 1. The specific source applying for authorization appears unable to comply with:
 - a. Effluent limitations or other terms and conditions of the General Permit;
 - b. Water quality standards established pursuant to 75-5-301, MCA, and ARM Title 17, Chapter 30, Subchapters 5, 6, 7, and 10; or,
 - c. Prohibition of any discharges to which the Regional Administrator, as defined in ARM 17.30.1304(50), has objected to in writing.
- B. General Permit MTR300000 does not authorize discharges subject to federal effluent limitation guidelines as adopted by the Montana Board of Environmental Review in ARM Title 17, Chapter 30, Subchapter 12.
- C. Discharges of process wastewater or mine drainage as defined in 40 CFR 440 and summarized in Appendix A.
- D. The storm water discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in the MPDES General Permit. Discharges of storm water, which report directly to ground water (such as through infiltration), are typically excluded from coverage under this General Permit.
- E. MPDES permit or authorization for the same operation has previously been denied or revoked.
- F. The discharge sought to be authorized under an MPDES General Permit is also included within an application or is subject to review under the Major Facility Siting Act, 75-20-101, *et seq.*, MCA.
- G. The point source is or will be located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications adopted under 75-5-301, MCA, impacts on fishery resources, local conditions at proposed discharge sites, and designations of wilderness areas under 16 USC 1132 or of wild and scenic rivers under 16 USC 1274.

V. Receiving Waters and Applicable Standards

Storm water discharges associated with mining and oil and gas activity regulated by this General Permit cover discharge of storm waters to state surface waters. Surface waters are any waters on the earth's surface including, but not limited to, streams, lakes, ponds, and reservoirs, and irrigation and drainage systems. Water bodies used solely for treating, transporting, or impounding pollutants shall not be considered surface waters. Intermittent and ephemeral watercourses and drainages are state surface waters in accordance with 75-5-103(29), MCA.

The Montana Water Quality Act (MWQA) requires that permits issued pursuant to Title 17, Chapter 30, and Subchapters 11 and 13 comply with the Montana surface water quality standards, (Subchapter 6). Based on Montana surface water quality standards, the degree of waste treatment required will be to, prevent increases "above naturally occurring concentrations of sediment, or suspended sediment, settleable solids, oils, or floating solids, which or are likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish, or other wildlife" (ARM 17.30.621 through 629). ARM 17.30.637 requires that no wastes may be discharged which violates any water quality standard.

New or increased sources (ARM 17.30.702(16)) must comply with Montana's Nondegradation Policy [75-5-303 MCA], and rules (ARM 17.30.701 et. seq.). Nondegradation requirements are discussed in Part IX of this Fact Sheet.

VI. Proposed Effluent Limitations and Conditions

Section 402 of the Montana Water Quality Act authorizes the Department to regulate the discharges of sewage, industrial and other wastes into state surface waters. Pursuant to ARM 17.30.1201, the Department is required to establish effluent limitations, treatment standards, and other requirements for point sources discharging wastes to state waters. The Montana Board of Environmental Review has not adopted minimum treatment requirements for storm water discharges associated with mining and oil and gas activity. The discharge of sewage or industrial wastes is prohibited in the General Permit.

Through the adoption of the Montana Pollution Discharge Elimination System, the Department may issue, suspend, revoke, modify, or deny permits to discharge wastes to the waters of the state. For the purposes of this General Permit, discharges of sewage or industrial wastes are excluded. This General Permit is exclusive to other wastes as defined under 75-5-103(19) MCA, resulting from regulated activities, and receive, at a minimum, treatment to restore and maintain the quality of surface waters, ARM 17.30.635(1), 75-5-305 MCA.

A. Technology-Based Effluent Limits

As stated in the MWQA, it is not necessary that wastes be treated to conditions purer than the receiving waters as long as minimum treatment requirements have been met [75-5-306 MCA]. As the effluent characteristics of storm water runoff can be highly

variable and unpredictable, ARM 17.30.1345(1) and 17.30.1344 provide for the use of Best Management Practices (BMPs) where effluent limitations are infeasible. The Department has concluded that the most prudent, reasonable land, soil and water conservation practices, to protect surface waters of the state will be achieved through the development and implementation of a “Storm Water Pollution Prevention Plan” (SWPPP) as defined in ARM 17.30.1102(31). SWPPP submittal is a required component of the General Permit application procedure pursuant to ARM 17.30.1110(7). This SWPPP identifies site characteristics, potential pollutants, and various BMPs to minimize or prevent pollutants from entering storm water runoff and/or receiving state surface waters. Development and implementation of a SWPPP is critical to MPDES storm water discharge permitting.

B. Water Quality-Based Effluent Limits

It is the Department’s position that Montana’s surface water quality standards can be maintained through the development and implementation of a SWPPP. SWPPP requirements are based on historical guidance and permits used by the EPA, other states, and the experience of the Montana MPDES program. The SWPPP allows for an iterative approach to BMP implementation whereby BMP effectiveness is tracked and improvements are made as necessary. The BMPs help minimize or eliminate the generation or migration of pollutants to state surface waters. In addition, permittees will be prohibited from discharging process wastewater under this General Permit.

This General Permit does not authorize storm water discharges that the Department determines will cause, or have a reasonable potential to cause or contribute to, a violation of applicable water quality standards. If such is the case, the Department may notify an applicant or permitted discharger that MPDES permit coverage is necessary under an Individual Permit instead of under this General Permit. The Department will require authorizations under the General Permit to ensure the SWPPP addresses BMPs and measures to help ensure compliance with water quality standards as necessary. This may include additional monitoring requirements to the authorized discharger. Furthermore, requirements will be incorporated into the General Permit to address listed impaired waterbodies and their pollutants of concern (probable causes of impairment), with or without approved Total Maximum Daily Loads (TMDLs), under Section 303(d) of the Clean Water Act.

More specifically, depending on the actual industrial activity storm water discharge and the receiving surface water(s), the permittee’s SWPPP may need to include a section describing how the SWPPP will control discharges of pollutants of concern and ensure storm water discharges will not cause or contribute to instream exceedances of water quality standards. This SWPPP must specifically identify measures and BMPs that will collectively control the discharges of pollutants of concern. As of 2007, information on impaired waterbodies may be obtained from the Department website: <http://deq.mt.gov/cwaic/> If a TMDL has been approved for any waterbody into which the permittee discharges storm water, and the TMDL

considered and addressed MPDES-regulated storm water discharges, then the Department shall incorporate the Waste Load Allocation (WLA), as applicable, into the permit authorization requirements as required by 75-5-703, MCA. Specific requirements regarding WLAs are found in the "Special Conditions" section of the General Permit.

C. Special Conditions

Storm Water Pollution Prevention Plan (SWPPP) Requirements

A SWPPP must be developed for each facility or activity covered by this General Permit based on ARM 17.30.1110(5) & (7), and ARM 17.30.1341(9)(a). The purpose of the SWPPP is to identify sources of pollution that may contaminate storm water and to implement BMPs to prevent pollutant migration to state surface waters. The BMPs selected should eliminate or minimize contamination of storm water runoff at their source and/or remove pollutants before discharge into state surface waters. Facilities must implement the provisions of the SWPPP required under this part as a condition of this General Permit [75-5-303 (3)(d) MCA]. SWPPPs are intended to be dynamic documents to reflect current conditions and activities at the site. Periodic evaluation and ongoing improvements to the BMPs at the site will only improve the quality of storm water runoff.

Based on historical EPA/State permits, guidance, and experience, the SWPPP has evolved over the past 15 years to contain the following elements:

Contents of Plan

1. Administrative Requirements
 - a. Retaining SWPPP
 - b. Signing SWPPP
 - c. Revising SWPPP
2. Responsible Storm Water Pollution Prevention Team
3. Description of Potential Pollutant Sources
 - a. Site map with a number of required inclusions
 - b. Drainage patterns
 - c. Exposed material inventory
 - d. Spills and leaks
 - e. Existing storm water quality data
 - f. Receiving surface waters
 - g. Risk identification and assessment, and summary of potential pollutant sources
4. Storm Water Best Management Practices (BMPs)
 - a. Good housekeeping
 - b. Preventative maintenance measures
 - c. Spill prevention and response

- d. Visual inspections
- e. Employee training
- f. Record keeping
- g. Sediment and erosion control
- h. Storm water management
- 5. Comprehensive Site Inspection and Compliance Evaluation Report

D. Standard Conditions

Based on ARM 17.30.1342, standard conditions pertaining to all MPDES permits will be included in General Permit MTR300000.

VII. Effluent Monitoring and Reporting Requirements

Monitoring requirements in the General Permit are based on the authority of 75-5-602 MCA and ARM 17.30.1351. Provisions are in the General Permit to require monitoring for any regulated mining and oil and gas activity storm water discharge as necessary, and to increase or decrease monitoring as necessary. Any monitoring required above and beyond the mandatory self-monitoring required in the General Permit (as discussed below) would typically be subject to similar sampling, testing, and reporting protocols.

The General Permit has been developed to require mandatory self-monitoring (sampling and analytical testing) for certain parameters. The self-monitoring requirement is based on the following considerations:

- historical industrial activity storm water discharge permits from EPA and the Department;
- industrial activity storm water discharge permits from other states;
- experience and monitoring data generated through the Department's MPDES program;
- the actual expectation for certain pollutants to be discharged; and
- the potential net benefit to be gained through self-monitoring in addition to the permittee's self-inspections.

In general, semi-annual monitoring requirements will be required in this General Permit similar to those in the 2002-2007 General Permit. Based on SIC Code, monitoring requirements will pertain to various metal mining activities, coal mining activities, non-metallic mining activities (sand & gravel, etc.), and oil & gas activities if such storm water discharges are subject to, and eligible, for regulation under this General Permit.

Based on ARM 17.30.1351(2), monitoring results must be evaluated by the permittee. In part, this evaluation involves comparison with "benchmark" parameter concentrations developed by EPA. These benchmark concentrations are included as Attachment B to the General Permit, and serve as a tool to judge BMP effectiveness and look for ongoing pollutant discharge problems. Self-monitoring at the above industrial activities is performed semi-annually and results are reported to the Department on standard Discharge Monitoring Report (DMR) forms.

Historically, most permittees required to monitor have not actually done so, and have claimed there is "no discharge" to sample during each six-month monitoring period. The Department has incorporated some additional reporting requirements into the General Permit to provide for better explanation and proof of why "no discharge" was indicated. The Department believes that as rainfall and snowmelt events do occur periodically throughout Montana, that in some cases more effort needs to be made to perform monitoring. However, the Department does recognize that some sites have little to no external storm water drainage and may indeed have "no discharge", or that sites may be difficult to readily access or are not staffed regularly to allow easy sampling of storm water.

VIII. Mixing Zones

A mixing zone is an area where the effluent mixes with the receiving water and certain water quality standards may be exceeded (ARM 17.30.502(6)). Because the General Permit regulates the discharge of pollutants through the development and implementation of technology based controls (SWPPP and BMPs), a mixing zone is not applicable. As stated in Section VI.B., facilities which cause a contribution to a violation of water quality standards must apply for an MPDES Individual Permit. No mixing zone is granted or implied by the Department to facilities discharging under this General Permit.

IX. Nondegradation

The activities covered by this General Permit have been determined to be non-significant based on 75-5-303 (3)(d) MCA, and 75-5-317(2)(t) MCA, whereas the SWPPP requirement stipulates that BMPs will be implemented prior to the commencement of regulated activities covered under this General Permit. The SWPPP requirement also includes provision for the ongoing evaluation of BMPs to eliminate or minimize pollutants contained in storm water runoff. If the applicant provides information that indicates the proposed discharge will not meet conditions of ARM 17.30.715(1), the Department will require the operator to amend the SWPPP in order to comply with Montana's Nondegradation Policy and rules.

X. Total Maximum Daily Loads (TMDL)

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment (WQLS), the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit *Friends of the Wild Swan v. U.S. EPA, et al.*, CV 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the renewal and re-issuance of this General Permit does not conflict with the order, because: (1) it is not a new permit, and (2) the permit prohibits storm water discharges that cause or contribute to a violation of water quality standards.

XI. Procedure for Coverage under the General Permit

- A. The two main criteria which determine whether a mining or oil and gas activity is eligible for coverage under this General Permit are:
 - 1. The type of mining or oil and gas activity, usually described by the primary SIC Code, and
 - 2. The discharge of storm water to surface water from a portion of the facility or activity subject to discharge regulation based on ARM 17.30.1102(30).
- B. For both existing and new permitted facility or activity discharges to comply with this General Permit, owners/operators must:
 - 1. Submit an application for coverage under this General Permit;
 - 2. Prepare and submit an updated SWPPP at the time of application;
 - 3. Implement BMPs and other provisions of the SWPPP before operations commence;
 - 4. Monitor storm water discharge from the facility or activity as pertinent; and,
 - 5. Submit annual Compliance Evaluation Reports, and semi-annual DMR forms to assess facility storm water discharge quality and to verify BMP effectiveness.
- C. In addition to the items in Part XI.B., for existing permitted storm water discharges under MTR300000, the following items apply:
 - 1. If the permittee submits an application on or before the November 16, 2007 expiration date of the existing General Permit, and the new General Permit is not yet issued and effective, then ARM 17.30.1313 (Continuation of Expired Permits) will provide administratively extended coverage under the 2002-2007 General Permit for those which have applied on time.
 - 2. Annual fees do not need to be submitted with the renewal application package as they are invoiced annually at a standard time and are administered separate from the renewal application process. The appropriate application fee will still need to be submitted with the application package as provided for in ARM 17.30.201.
 - 3. As a part of this General Permit renewal cycle, based on Department experience, records, and inspections, SWPPPs are often in need of updates and many Department copies and field copies observed during inspection are obsolete to varying extents. Consequently, the Department is requiring all existing permittees to submit updated complete SWPPPs, as well as the

application forms, that reflect current conditions and requirements. This information will replace and supercede all historical applications and SWPPPs in active Department permit files for each permitted facility or activity.

4. In the event that a facility is able to demonstrate it has eliminated the discharge of storm water to state surface waters, the permit authorization may be terminated. However, in the absence of engineered and/or constructed storm water management features at the mining or oil and gas activity site to preclude storm water discharges, the Department typically assumes ongoing storm water discharge permit authorization under the new General Permit will continue to be necessary.
5. Renewal applications are due by the expiration of the existing General Permit (by November 16, 2007).

D. In addition to the items in Part XI.B., for new permitted storm water discharges under MTR300000, the following items apply:

1. At least thirty (30) days prior to the anticipated date of discharge, the owner (or operator if the owner does not operate the facility) of a facility/site with a “storm water discharge associated with mining and oil and gas activity” must submit an application on a form provided by the Department (including the SWPPP); and,
2. Applications for new facility or activity storm water discharges must include not only the appropriate application fee, but also the appropriate annual fee for the initial calendar year of when the discharge becomes permitted under the General Permit.

E. Application Process

The application form used to obtain permit authorization under the *General Permit for Storm Water Discharges Associated with Mining and with Oil and Gas Activities* requires, at a minimum, the following information:

1. Application Status;
2. Facility or Site Information;
3. Applicant (Owner/Operator) Information;
4. Existing or Pending Permits, Certifications, or Approvals
5. Nature of Business or Activity;

6. Standard Industrial Classification (SIC) Codes;
7. Facility or Site Contact Person/Position
8. Storm Water Outfall/Discharge Locations (latitudes and longitudes);
9. Receiving Surface Water(s) and USGS Topographic Map showing facility or activity boundaries, drainage patterns, and receiving surface waters;
10. Description and Certification Pertaining to Non-Storm Water Discharges including storm water quality analytical data;
11. Identification of Major Potential Pollutant Sources;
12. Identification of Major Best Management Practices;
13. Total Size of Regulated Facility or Activity;
14. Supplemental Information (as necessary); and,
15. Certification and Signature of Application.

As the permittee is required to submit payment of fees as set forth in ARM 17.30.201, if the permittee fails to pay the application and annual fees when applying for coverage under this General Permit the Department can suspend processing of the application.

F. Storm Water Pollution Prevention Plans

When applying for new permit coverage or for renewal of permit coverage under this General Permit, all applicants are required to submit a complete updated SWPPP with the application form and fees. SWPPPs must be developed using reasonable land, soil, and water conservation practices and good standard engineering practices. They must include requirements stated in the General Permit. The SWPPP must be signed in accordance with the stipulations stated in the General Permit.

XII. References/ Information Sources

- (1) Administrative Rules of Montana Title 17, Chapter 30 *et seq.*
- (2) Montana Code Annotated Title 75, Chapters 5, Subchapters 1 through 6
- (3) Code of Federal Regulations 40 CFR Parts 122 through 133
- (4) MPDES General Permit MTR100000, Effective date June 8, 2002
- (5) MPDES General Permit MTR000000, Effective date August 28, 2002
- (6) MPDES General Permit MTR300000, Effective date November 17, 2002
- (7) EPA, Multi Sector General Permit for Industrial Activities, October 30, 2000
- (8) EPA, draft Multi Sector General Permit for Industrial Activities, Fact Sheet, 2006
- (9) Developing Pollution Prevention Plans and Best Management Practices

EPA 832-R-92-006

- (10) MPDES General Permit MTR040000, Effective date January 1, 2005
- (11) MPDES General Permit MTR000000, Effective date October 1, 2006
- (12) MPDES General Permit MTR100000, Effective date April 16, 2007

Prepared by: Brian Heckenberger - September, 2007.